

OGC 73-0357

1 March 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Conversations with Dick Tufaro and Bob Andrews (Defense)

1. I called Dick Tufaro yesterday to inquire about the ICRC March agenda. He listed the several items, which we have now received in his formal transmission. The items made no reference to our two papers to Mr. Eisenhower on the reporting requirements and data index system. I reflected on this omission and called Tufaro back. I asked if the omission meant that our two items were being "thought about." He said that was substantially the case. On further reflection I called him back today and suggested we perhaps are failing to talk substance with each other. Was I correct in assuming we had not persuaded anyone with our two letters, since we had received no comment and the agenda does not include either item? He diverged slightly to say he has had no comment from any other member and no member had expressed agreement with our letters and asked if we had received any comment. I told him we had not. Tufaro said Mr. Eisenhower had simply decided not to put them on the agenda. He also thought we should direct our efforts to substance rather than procedures, to which I agreed. He noted also that we had not hesitated to "go out of channels" to Eisenhower on the AP matter. Further, we had been glad to use informal arrangements when we had agreed with Chairman Eisenhower on CIA submission of the lists of classifiers, but when informal arrangements were used elsewhere, we had objected. I assured him we did not think that we should have the benefit of flexible rules in the one instance and then object to flexible rules in other instances. He said he realized we had special problems. I expressed my appreciation for this and assured him also that we are aware that this is a new program, one of whose major objectives is to do something about the problem of overclassification and virtually perpetual classification. Specifically, there is the problem of balancing this objective with the other major objective of protecting defense information. Tufaro agreed with this also. He thought we should regard the Instructions letter as objectives only and sit down with them to work out problems. I told him of course we would do that but we had not seen in the letters indication that they were merely objectives.

2. I called Bob Andrews of Defense this afternoon and asked if he had seen our two papers and if so what their reaction was. He had seen them; he thought they were well written and he is in agreement. He has not talked with Fred Buzhardt in depth. He has talked with Tufaro who reported that Chairman Eisenhower "blew his stack" and said: "We are not going to go back after having worked on these matters so long." He expects to have written comments from elsewhere in the Pentagon and would be in a position perhaps with written comments to deal with these matters at the March meeting. Andrews asked if report forms modified to meet the objections expressed in our letters would be satisfactory to us and I responded in the affirmative. He suggested that we take a more positive stance. For instance, we might prepare modifications of the report forms. In order to prepare for the March meeting, he would like to know what we propose to do and he would like to see modified forms. I then told him that I did not know what we are going to do. Mr. Houston in fact did not yet know of my conversations with Tufaro but I would discuss this with Mr. Houston and get back to Andrews.



Associate General Counsel

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